

Claim 14 is rejected under 35 USC 112, second paragraph, as being indefinite in that it is unclear whether claim 14 is intended to depend from claim 1, or in what manner it further limits claim 1, or whether the claim is directed to method or apparatus.

Accordingly, claim 14 is currently amended to change its form from dependent to independent. Thus, claim 14 is now directed to an assembly of a particle catcher and a filter for a water kettle, with no reference to claim 1 or to its use in a method.

Accordingly, it is urged that the rejection has been overcome and should be withdrawn.

Claim 14 is rejected under 35 USC 101 because the recitation of a use, without the recitation of positive method steps, is an improper method claim.

The present amendment makes clear that claim 14 is a claim to an assembly, not a method. Accordingly, it is urged that the rejection has been overcome and should be withdrawn.

Claim 14 is rejected under 35 USC 102(b) as being anticipated by Miller (US 4,764,274) in that housing 17 constitutes a particle catcher.

Miller's housing 17 houses filter 11 which comprises a charcoal bed 12 sandwiched between a pair of filter pads 14 and 15. Pads 14 and 15 abut against flat end wall portions 17b and 17c of housing 17. Flat end wall portions 17b and 17c each have a plurality of apertures 17e, through which water passes as it is being poured. See col. 2, lines 26-32.

As water passes through filter 11, particles in the water which are not trapped by the bed 12 or the filter pads 14 and 15 are free to descend back down through apertures 17e into the water reservoir at the bottom of pitcher 24.


Miller provides no means apart from the filter itself to catch these particles before they fall back into the bottom of pitcher 24.

While it could be argued that the portions of the end walls between the apertures 17e could temporarily impede some particles from falling through apertures 17e, nevertheless such wall portions do not constitute a particle catcher which is separate from the filter 11 and capable of permanently retaining the caught particles.

Accordingly, it is urged that Miller does not anticipate claim 14, and that therefore the rejection is in error and should be withdrawn.

In view of the foregoing, Applicant urges that all of the pending claims are now allowable, and respectfully requests that the Examiner withdraw the rejections of record, allow all of the pending claims, and find the application to be in condition for allowance.

Respectfully submitted,


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